

1 MICHAEL J. SHEPARD (SBN 91281)

2 *mshepard@kslaw.com*

2 **KING & SPALDING LLP**

3 50 California Street, Suite 3300

3 San Francisco, California 94111

4 Telephone: +1 415 318 1221

5 KERRIE C. DENT (admitted *pro hac vice*)

6 *kdent@kslaw.com*

6 **KING & SPALDING LLP**

7 1700 Pennsylvania Avenue, NW, Suite 900

7 Washington, DC 20006-4707

8 Telephone: +1 202 626 2394

9 CINDY A. DIAMOND (SBN 124995)

10 *cindy@cadiamond.com*

10 **ATTORNEY AT LAW**

11 58 West Portal Ave #350

11 San Francisco, CA 94127

12 Telephone: +1 408 981 6307

13 Attorneys for Defendant

14 ROWLAND MARCUS ANDRADE

15
16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA**

18 **SAN FRANCISCO DIVISION**

19 UNITED STATES OF AMERICA,

Case No. 3:20-cr-00249-RS-LBx

20 Plaintiff,

**DECLARATION OF KERRIE C. DENT
IN SUPPORT OF DEFENDANT
ANDRADE'S REPLY BRIEF IN SUPPORT
OF MOTION TO COMPEL COMPLIANCE
WITH AUGUST 1, 2024 ORDER**

21 v.

22 ROWLAND MARCUS ANDRADE,

Judge: Hon. Laurel Beeler

23 Defendant.

1 Kerrie C. Dent, counsel for Defendant Marcus Andrade, states as follows:

2 1. I am one of the lawyers representing Defendant Marcus Andrade in the above-
 3 captioned matter. I have personal knowledge of the discovery disputes and related
 4 correspondence between the government and defense counsel and, if called as a witness in this
 5 matter, could competently testify to the matters stated in this Declaration.

6 2. According to the government, at some point in 2022, “prosecutors in the Southern
 7 District of New York asked Mr. Levin’s counsel where counsel wanted Mr. Levin’s physical
 8 property to be sent, or whether defense counsel wanted to pick up Mr. Levin’s devices from the
 9 FBI. Mr. Levin’s counsel never responded to the Government.” USA’s Response to Court
 10 Order, Dkt. #237 at 1:27-28 and 2:1-2 (Nov. 9, 2023).

11 3. On November 22, 2023, when defense counsel reached out to Mr. Buckley to ask
 12 if he would accept service of a subpoena for Levin’s devices, Mr. Buckley responded: “We do
 13 not currently represent Mr. Levin nor do we have possession of the devices referenced in your
 14 email. We have reached out to Mr. Levin in order to see what his instructions are with respect to
 15 your request to discuss and/or to identify who his current counsel may be.” Defense counsel
 16 never heard from him again.

17 4. On August 5, 2024, defense counsel emailed the government to ensure that it had
 18 followed the Court’s instructions to serve a copy of the August 1, 2024, Order by email on Mr.
 19 Levin’s former attorney so that the lawyer could email Mr. Levin the order, the government
 20 responded that it had “emailed Levin’s former counsel (Sean Buckley at Kobre & Kim) a copy of
 21 Judge Beeler’s order on Friday. ***He said he no longer represented Mr. Levin and was not***
authorized to receive or do anything on behalf of Mr. Levin, but he would attempt to discuss it
 23 with him. ***I’ll let you know when/if I hear back.*** See Exhibit A (emphasis added). Defense
 24 counsel never heard anything more from the government on the issue until August 23, when the
 25 government forwarded defense counsel Mr. Buckley’s email that is the center of the
 26 government’s opposition to Mr. Andrade’s motion to compel the government’s compliance with
 27 the Court’s August 1 Order.

1 I declare under penalty of perjury that the foregoing is true and correct, and that this
2 declaration was executed on August 30, 2024 in McLean, Virginia.

3
4 /s/ Kerrie C. Dent
5 KERRIE C. DENT
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28